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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/775,074	02/01/2001	Gerhard Reichert	1663-I-CIP	8012
45069	7590	12/31/2007	EXAMINER	
FRED ZOLLINGER III			A, PHI DIEU TRAN	
P.O. BOX 2368			ART UNIT	
NORTH CANTON, OH 44720			PAPER NUMBER	
			3633	
			MAIL DATE	DELIVERY MODE
			12/31/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

09/775,074

Applicant(s)

REICHERT, GERHARD

Examiner

Phi D. A

Art Unit

3633

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 03 October 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 23-30, 32, 33, 36-39, 41-49, 69 and 71-75 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) 36-39 and 41-43 is/are allowed.
- 6) ☒ Claim(s) 23-30, 32, 33, 44-49, 69, 71-75 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 23, 26, 44 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 23 “when separated from ...” is indefinite as the claim is to a finish product “glazing unit...bar grid”. It is improper to separate a claimed finish product.

Claim 26 “when separated from...” has the same problem as set forth above.

Claim 44 “being adapted to fold around” is improper as the claim positively claims the inner and outer muntin grid. Should it be “folding around”?

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 23, 28-30 are rejected under 35 U.S.C. 102(b) as being anticipated by Reed (4567710).

Reed (figure 1, 13) shows a simulated divided lite insulating glazing unit having an internal muntin bar grid (32, 33, figure13), the unit comprising first and second spaced glass sheets spaced apart by a perimeter spacer (figure 2), the glass sheets and the spacer defining an insulating chamber, an internal muntin bar grid disposed inside the chamber, the internal bar grid

extending between different portions of the spacer to divide the chamber into separate lites to provide a divided lite appearance to the unit, the internal bar grid having a plurality of inner muntin grid elements and a plurality of flexible, collapsible outer muntin grid elements (9, figure 13), the inner grid elements crossing each other and being arranged in a grid that defines the pattern of the internal bar grid, each of the inner muntin grid elements having at least a pair of longitudinal edges and at least a pair of longitudinal sides, when separated from the inner grid elements, the collapsible outer muntin grid elements (9) are capable of being collapsed to a collapsed position and reopened to an open position wherein each outer element defining a longitudinal openings (inherently capable of functioning as claimed), each outer grid element surrounding at **least a portion** of the length(a portion 36 of the length, and the area at 33 is surrounded as claimed) of an inner muntin grid element to surround both longitudinal edges and both longitudinal sides to hide the longitudinal edges and sides of that portion of the inner grid element from view of both sides of the unit, the outer muntin grid elements are in the form of continuous tubes disposed around the inner muntin grid elements, the outer muntin grid elements are connected to the inner muntin grid elements with connectors (28, 30), at least one of the outer muntin grid elements includes at least one protruding foot (25) that increases the width of the outer muntin grid element, the foot protruding in a direction perpendicular to the first and second glass sheets, each of the outer muntin grid elements being a unitary tube having a continuous sidewalls, the outer grid elements being from a non-metallic material, the inner muntin grid elements cross each other at lap joints.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 24, 69, 71-73 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reed in view of Baier (5345743).

Reed shows all the claimed limitations except for the muntin outer grid being made of foam material.

Baier discloses the use of foam material for forming a muntin grid (22).

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Reed's structure to show the muntin outer grid being made of foam material as taught by Baier because foam material is a well known plastic material for forming muntin grid, and the use of foam material to form a flexible muntin grid would have been obvious to one having ordinary skill in the art.

Per claim 73, Reed as modified shows all the claimed limitations except for the outer muntin grid elements being notched at the lap joints.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Reed's modified structure to show the outer muntin grid elements being notched at the lap joints because it would allow the outer elements to continue covering the inner elements beyond the joint area.

5. Claim 74 is rejected under 35 U.S.C. 103(a) as being unpatentable over Reed in view of Kassl et al (5351459).

Reed shows all the claimed limitations except for the outer muntin grid elements being notched at the lap joints, the body defining one corner notch for each corner of the inner muntin grid element, the corner extending into the body of the outer muntin grid element, the corner being spaced apart to align with the corners of the inner muntin grid element.

Kassl et al discloses the outer muntin grid elements being notched at the lap joints.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Reed's structure to show the outer muntin grid elements being notched at the lap joints as taught by Kassl et al because it would allow the outer elements to continue covering the inner elements beyond the joint area, and having the corner notch would enable the outer muntin grid element to easily fold around the inner muntin grid element without imparting substantial stress on the outer element.

6. Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Reed in view of Baier (5345743).

Reed as modified shows all the claimed limitations except for the foam material including a desiccant.

Baier further discloses desiccant within an insulated glass to absorb moisture within the glass chamber.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Reed's modified structure to show the foam material including a desiccant as taught by Baier because it would help absorb moisture seeping into the double layer glass panel and thus keeping the panels clear.

7. Claim 32 is rejected under 35 U.S.C. 103(a) as being unpatentable over Reed.

Reed shows all the claimed limitations except for the outer muntin grid elements being resilient.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Reed's structure to show the outer muntin grid elements being resilient because having the grid elements formed of resilient material would allow the outer grid elements to repeatedly flex and hold tight to the inner grid elements.

8. Claim 47 is rejected under 35 U.S.C. 103(a) as being unpatentable over Reed in view of Kassl et al and further in view of Baier (5345743).

Reed as modified shows all the claimed limitations except for the muntin outer grid being made of foam material.

Baier discloses the use of foam material for forming a muntin grid (22).

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Reed's modified structure to show the muntin outer grid being made of foam material as taught by Baier because foam material is a well known plastic material for forming muntin grid, and the use of foam material to form a flexible muntin grid would have been obvious to one having ordinary skill in the art.

Per claim 73, Reed as modified shows all the claimed limitations except for the outer muntin grid elements being notched at the lap joints.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Reed's modified structure to show the outer muntin grid elements being notched at the lap joints because it would allow the outer elements to continue covering the inner elements beyond the joint area.

9. Claims 44-45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reed in view of Kassl et al (5351459).

Reed shows all the claimed limitations except for the outer muntin grid elements being notched at the lap joints, the body defining one corner notch for each corner of the inner muntin grid element, the corner extending into the body of the outer muntin grid element, the corner being spaced apart to align with the corners of the inner muntin grid element.

Kassl et al discloses the outer muntin grid elements being notched at the lap joints.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Reed's structure to show the outer muntin grid elements being notched at the lap joints as taught by Kassl et al because it would allow the outer elements to continue covering the inner elements beyond the joint area, and having the corner notch would enable the outer muntin grid element to easily fold around the inner muntin grid element without imparting substantial stress on the outer element.

10. Claim 48 is rejected under 35 U.S.C. 103(a) as being unpatentable over Reed in view of Kassl et al and further in view of Baier (5345743).

Reed as modified shows all the claimed limitations except for the foam material including a desiccant.

Baier further discloses desiccant within an insulated glass to absorb moisture within the glass chamber.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Reed's modified structure to show the foam material including a desiccant



as taught by Baier because it would help absorb moisture seeping into the double layer glass panel and thus keeping the panels clear.

11. Claim 46 is rejected under 35 U.S.C. 103(a) as being unpatentable over Reed in view of Kassl et al.

Reed as modified shows all the claimed limitations except for the outer muntin grid elements being resilient.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Reed's modified structure to show the outer muntin grid elements being resilient because having the grid elements formed of resilient material would allow the outer grid elements to repeatedly flex and hold tight to the inner grid elements.

12. Claim 33, 75 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reed.

Reed shows all the claimed limitations except for the outer muntin grid elements being resilient.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Reed's structure to show the outer muntin grid elements being resilient because having the grid elements formed of resilient material would allow the outer grid elements to repeatedly flex and hold tight to the inner grid elements.

Per claim 75, Reed as modified shows all the claimed limitations except for the outer muntin grid elements being notched at the lap joints.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Reed's modified structure to show the outer muntin grid elements being

notched at the lap joints because it would allow the outer elements to continue covering the inner elements beyond the joint area.

13. Claim 49 is rejected under 35 U.S.C. 103(a) as being unpatentable over Reed in view of Kassl.

Reed as modified shows all the claimed limitations except for an adhesive connected to the body.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Reed's structure to an adhesive connected to the body since it would enhance the secured attachment of the outer grid to the inner grid.

***Allowable Subject Matter***

14. Claims 36-39, 41-43 are allowed.

15. Claim 26 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

16. Claim 27 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

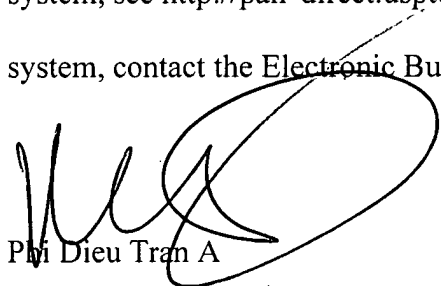
17. Applicant's arguments with respect to claims 23-30, 32-33, 36-39, 41-49, 69, 71-75 have been considered but are moot in view of the new ground(s) of rejection.

*Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phi D A whose telephone number is 571-272-6864. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Chilcot can be reached on 571-272-6777. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Phi Dieu Tran A

12/26/07